

AMENDMENT BY SUPERVISOR MARK RIDLEY-THOMAS

JULY 6, 2010

Conditional Use Permit (CUP) for Medical Marijuana Dispensaries (MMDs).

In 2006 the Board of Supervisors amended the County's Zoning Ordinance to require a Conditional Use Permit (CUP) for Medical Marijuana Dispensaries (MMDs). The ordinance prohibits the opening of an MMD within 1,000 feet of churches, day-care centers, libraries, playgrounds, schools, and other sensitive uses. Several dispensaries have opened in County unincorporated areas without securing the necessary CUP and County business license. County staff from multiple departments—Business License Commission, County Counsel, District Attorney, Public Works, Regional Planning, and Treasurer/Tax Collector—have expended tremendous resources enforcing against these uses. County attorneys have also gone to court to close MMDs, including, in one particular instance, a dispensary that was located two doors down from a County library.

- M O R E -

MOTION

RIDLEY-THOMAS_____

YAROSLAVSKY _____

KNABE _____

ANTONOVICH _____

MOLINA _____

AMENDMENT BY SUPERVISOR MARK RIDLEY-THOMAS
JULY 6, 2010
PAGE 2

According to media reports, more than 100 cities and 9 counties have banned medical marijuana dispensaries. Nearly equal numbers of cities and counties have moratoriums in place. The issue is of particular concern as it relates to the impact that MMDs may have upon the County unincorporated communities. Unincorporated communities which are adjacent to cities that have banned MMDs will become the obvious "locale of choice" for dispensary operators. For example, the existing MMD bans in the cities of Arcadia, Monrovia, and Pasadena make it likely that dispensary operators will apply for CUPs in several adjacent unincorporated communities. It is entirely unfair for our County unincorporated residents and business-owners to shoulder the burdens and impacts of MMDs when surrounding cities have taken steps to ban the use within their borders.

WE, THEREFORE, MOVE THAT THE BOARD OF SUPERVISORS:

Direct the Chief Executive Officer, to work with the Director of the Department of Regional Planning, in consultation with County Counsel, to prepare proposed ordinance revisions to Title 22 of the County Code that would provide for a complete ban of all medical marijuana dispensaries in the unincorporated areas of the County, and that the Regional Planning Commission conduct a public hearing and forward its recommendations on the proposed ordinance revisions to the Board for its consideration.

- M O R E -

AMENDMENT BY SUPERVISOR MARK RIDLEY-THOMAS
JULY 6, 2010
PAGE 3

The proposed ban ordinance should provide that in the event the California Supreme Court or the Court of Appeals issues a final ruling providing that an outright ban is unlawful, the existing MMD regulations in Title 22 should continue in effect. Also, in the event that the California Supreme Court or the Court of Appeals determines that an overall ban is not lawful prior to the proposed ban ordinance being considered by the Planning Commission, then County Counsel is to immediately notify the Board of Supervisors so that we can consider an alternative course of action such as directing that further restrictions and limitations on MMDs be considered, rather than an outright ban.

Additionally, in the event Proposition 19 is approved by the voters in November, then the Chief Executive Officer, the Director the Department of Regional Planning and County Counsel should immediately provide the Board of Supervisors with a report with recommendations regarding further ordinance revisions that may be appropriate for the Board to consider.

###